

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25351 of 2017

Arising Out of PS.Case No. -18 Year- 2015 Thana -KIHIRI MORE District- PATNA

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1. Amresh Jee @ Amresh Kumar @ Kavi Ji @ Kavilal, son of Late Raj Ballabh Lal, Resident of Village- Hansadih, P.S.- Masaurhi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Asharaf Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-07-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in custody since 11.01.2017 in connection with Khiri More P.S. Case No. 18/15 for the offences alleged under Sections 385, 387 of the Indian Penal Code and Sections 13(A)(B), 17, 18 of the U.P.A. Act.

The prosecution case, as lodged by the informant, is that he was given contract of construction of bridge and during course of execution of work his Munshi received a written letter by which demand of rangdari was made, and on 23.03.2015, 20-25 unknown persons had come to the site and demanded rangdari otherwise the informant would have to face serious consequences.



Accordingly, a written report has been sent to Khiri More P.S. by the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and just because there are number of cases in which he has been made accused, out of which in five cases of old matters, he has been acquitted and in two other cases he is on bail, that the petitioner has been made accused. He submits that no overt act has been committed by the petitioner and the allegations are general and omnibus. It is submitted that he has been remanded in the present case and charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that his extra judicial confession before the police has no evidentiary value in the eye of law.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-III, Danapur in connection with Khirimore P.S. Case No. 18/2015, subject to the



condition that one of the bailors would be a close relative of the petitioner, who would have sufficient immovable property within the jurisdiction of the concerned police station and who will file an affidavit indicating his relation with the petitioner and that petitioner will appear before the learned Court below during trial on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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